

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF YAVAPAI

DIVISION: 6

HON. THOMAS B. LINDBERG

CASE NO. P1300CR20081339

JEANNE HICKS, CLERK

By: Rachel Roehe, Deputy Clerk

DATE: May 21, 2010

FILED

DATE: May 21, 2010

5:00 O'Clock P.M.

JEANNE HICKS, CLERK

BY: Rachel Roehe

Deputy

TITLE:

STATE OF ARIZONA

(Plaintiff)

vs.

STEVEN CARROLL DEMOCKER

(D-1)

COUNSEL:

Yavapai County Attorney (e)

(For Plaintiff)

John Sears (e)

Larry Hammond & Anne Chapman (e)

OSBORN MALEDON, P.A.

(For Defendant)

HEARING ON:

Jury Trial / Jury Selection – Day 11

NATURE OF PROCEEDINGS

COURT REPORTER

Lisa Chaney & Sandra K Markham

START TIME: 8:32 a.m.

APPEARANCES: Joseph Butner, Deputy County Attorney
Jeff Paupore, Deputy County Attorney
Steven DeMocker, Defendant
John Sears, Counsel for Defendant
Larry Hammond, Counsel for Defendant
Anne Chapman, Counsel for Defendant

Court convenes with the presence of the Defendant and Counsel.

Discussion takes place with regard to the possibility of qualifying additional jurors.

Discussion takes place with regard to scheduling issues. The Court confirms the hearing with regard to Jana Johnson set for Thursday morning.

Discussion takes place with regard to potential jurors.

At 8:47 a.m., the following six jurors are called to the jury box.

The Court addresses the juror and reads a statement of the case.

At 9:06 a.m., the six jurors called to the box are sworn.

_____ is examined on *voir dire*. Upon agreement of Counsel, the juror is excused for cause. The juror is admonished and exits the Courtroom.

_____ is examined on *voir dire*. Upon agreement of Counsel, the juror is excused for cause. The juror is admonished and exits the Courtroom.

_____ is examined on *voir dire*. The juror is admonished and advised that she remains subject to recall. The juror exits the Courtroom.

Defense Counsel requests that the Court strike this juror for cause. The Court **DENIES** the motion to strike the juror for cause.

~*~*~*~*~ Recess – 10:53 a.m. ~*~*~*~*~

At 11:05 a.m., Court reconvenes with the presence of all parties previously present. The jurors are not present.

Discussion takes place with regard to behavior and communication in the courtroom.

The Court **ORDERS** that the Defendant is in the custody of the detention officers and shall follow their direction. The attorneys shall not give commands to the detention staff. The detention officers shall make restroom breaks available to the Defendant when jurors will not be affected. The Court does not determine that smiling between the Defendant and people in the Courtroom is unlawful communication.

[REDACTED] and [REDACTED] are called into the Courtroom and are directed to return at 1:30 p.m.

[REDACTED] is examined on *voir dire*. The juror is admonished and advised that she remains subject to recall. The juror exits the Courtroom.

Defense Counsel requests that the Court strike this juror for cause. The Court **DENIES** the motion to strike the juror for cause.

~*~*~*~*~ Recess – 12:29 p.m. ~*~*~*~*~

At 1:26 p.m., Court reconvenes with the presence of all parties previously present. The jurors are not present.

[REDACTED] is examined on *voir dire*. The juror is admonished and advised that she remains subject to recall. The juror exits the Courtroom.

Counsel for the State requests that the Court strike this juror for cause. The Court **DENIES** the motion to strike the juror for cause.

Discussion takes place with regard to potential jurors.

Discussion takes place with regard to possibly having an evidentiary hearing on Wednesday, May 26, 2010, at 1:30 p.m.

[REDACTED] is examined on *voir dire*. The juror is admonished and advised that she remains subject to recall. The juror exits the Courtroom.

Discussion takes place with regard to potential jurors.

Discussion takes place with regard to the Motion for Sanctions against Christopher DuPont and request for jury pool examination with regard to a newspaper article that appeared today.

Defense Counsel makes an oral Motion for Reconsideration with regard to striking juror [REDACTED] for cause.

~*~*~*~*~ Recess – 3:54 p.m. ~*~*~*~*~

At 4:13 p.m., Court reconvenes with the presence of all parties previously present. The jurors are not present.

Counsel argue the Motion for Reconsideration with regard to striking juror [REDACTED] for cause. The Motion is **DENIED**.

Discussion takes place with regard to scheduling issues and potential jurors.

[REDACTED], having been previously sworn, is examined on *voir dire* hardship issues by the Court.

[REDACTED], [REDACTED] and [REDACTED] are admonished and directed to return on Wednesday, May 26, 2010, at 8:30 a.m. The jurors exit the Courtroom.

Discussion takes place with regard to pending motions.

Discussion takes place with regard to the Defendant's visitation during the trial.

Discussion takes place with regard to scheduling issues.

The Court stands at recess until 8:30 a.m. on Wednesday, May 26, 2010.

END TIME: 5:00 p.m.

THEREAFTER, off the record, IT IS ORDERED that the FTR recording from today shall be preserved and a copy made for the Court of the portion of the recording surrounding the break in the morning.



Honorable Thomas B. Lindberg, Superior Court Judge

cc: VS (e)
Jury Commissioner (re: excused jurors)
Donna McQuality (re: FTR recording)
Dean Trebesch (Contract Administrator) (PD) (e)
Division 6
YCSO (e)
John Napper, Counsel for Renee Girard (e)
Christopher DuPont, Trautman DuPont PLC, 1726 North Seventh Street, Phoenix, AZ 85006,
Counsel for Victims Charlotte and Katherine DeMocker